

ADRMOP, APPEAL, CLOSED, E-Filing, MEDTERM

**U.S. District Court  
California Northern District (San Francisco)  
CIVIL DOCKET FOR CASE #: 3:07-cv-03019-CRB  
Internal Use Only**

Chellino v. Kaiser Foundation Health Plan Inc  
Assigned to: Hon. Charles R. Breyer  
Case in other court: U.S. District Court of Los Angeles, C  
07-01477 RGK  
Cause: 29:1132 E.R.I.S.A.: Employee Benefits

Date Filed: 06/11/2007  
Date Terminated: 03/26/2008  
Jury Demand: None  
Nature of Suit: 791 Labor: E.R.I.S.A.  
Jurisdiction: Federal Question

**Plaintiff****Marie Chellino**

represented by **Charles J. Fleishman**  
A Professional Corporation  
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**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

V.

**Defendant****Kaiser Foundation Health Plan Inc**  
*a corporation*













represented by **Michael Neil Westheimer**  
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**TERMINATED: 02/20/2008**  
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Date Filed	#	Docket Text
06/11/2007	 <a href="#">1</a>	Case transferred from Central District of California; Case Number 2:07-1477 RGK-MAN. Original file certified copy of transfer order and docket sheet received. (sv, COURT STAFF) (Filed on 6/11/2007) (Entered: 06/12/2007)
06/11/2007	 <a href="#">2</a>	ADR SCHEDULING ORDER: Case Management Statement due by 9/28/2007. Case Management Conference set for 10/5/2007 08:30 AM. (Attachments: # <a href="#">1</a> Order setting Case Management Conference# <a href="#">2</a> Standing Order # <a href="#">3</a> Standing Order For All Judges)(sv, COURT STAFF) (Filed on 6/11/2007) (Entered: 06/12/2007)
06/11/2007		CASE DESIGNATED for Electronic Filing. (sv, COURT STAFF) (Filed on 6/11/2007) (Entered: 06/12/2007)
09/05/2007	 <a href="#">3</a>	CLERK'S NOTICE Case Management Conference <b>reset for 10/5/2007 01:30 PM. (be, COURT STAFF) (Filed on 9/5/2007) (Entered: 09/05/2007)</b>
09/19/2007	 <a href="#">4</a>	ADR Clerks Notice re: Non-Compliance with Court Order. (tjs, COURT STAFF) (Filed on 9/19/2007) (Entered: 09/19/2007)
09/26/2007	 <a href="#">5</a>	AMENDED COMPLAINT against all defendants. Filed by Marie Chellino. (Fleishman, Charles) (Filed on 9/26/2007) (Entered: 09/26/2007)
09/28/2007	 <a href="#">6</a>	STIPULATION and Proposed Order selecting Mediation by Kaiser Foundation Health Plan Inc (Westheimer, Michael) (Filed on 9/28/2007) (Entered: 09/28/2007)
09/28/2007	 <a href="#">7</a>	JOINT CASE MANAGEMENT STATEMENT filed by Kaiser Foundation Health Plan Inc. (Westheimer, Michael) (Filed on 9/28/2007) (Entered: 09/28/2007)
09/28/2007	 <a href="#">8</a>	ADR Certification (ADR L.R. 3-5b) of discussion of ADR options (Westheimer, Michael) (Filed on 9/28/2007) (Entered: 09/28/2007)
10/02/2007	 <a href="#">9</a>	ORDER REFERRING CASE to Mediation.. Signed by Judge Charles R. Breyer on 10/02/07. (be, COURT STAFF) (Filed on 10/2/2007) (Entered: 10/02/2007)
10/05/2007	 <a href="#">10</a>	Minute Entry: Initial Case Management Conference held on 10/5/2007 before Charles R. Breyer (Date Filed: 10/5/2007). XMotion for Summary Judgment Hearing set for 3/7/2008 10:00 AM in Courtroom 8, 19th Floor, San Francisco. (Court Reporter - Not Reported.) (be, COURT STAFF) (Date Filed: 10/5/2007) (Entered: 10/05/2007)
10/11/2007	 <a href="#">11</a>	ANSWER to Amended Complaint by Kaiser Foundation Health Plan Inc.

		(Westheimer, Michael) (Filed on 10/11/2007) (Entered: 10/11/2007)
10/11/2007	<a href="#"> 12</a>	Certificate of Interested Entities by Michael Neil Westheimer (Westheimer, Michael) (Filed on 10/11/2007) (Entered: 10/11/2007)
10/11/2007	<a href="#"> 13</a>	ADR Clerk's Notice Appointing C. Mark Humbert as Mediator. (cmf, COURT STAFF) (Filed on 10/11/2007) (Entered: 10/11/2007)
10/22/2007	<a href="#"></a>	Set/Reset Hearings: Mediation Hearing set for 1/11/2008 at 01:00 PM at the Federal Building, 450 Golden Gate Avenue, San Francisco, CA. Please report to ADR Reception on the 16th Floor for the exact location of your session. (cmf, COURT STAFF) (Filed on 10/22/2007) (Entered: 10/22/2007)
01/07/2008	<a href="#"> 14</a>	STIPULATION <i>to Continue all Pending Dates</i> by Kaiser Foundation Health Plan Inc. (Hull, Rebecca) (Filed on 1/7/2008) (Entered: 01/07/2008)
01/09/2008	<a href="#"> 15</a>	ORDER re <a href="#">14</a> Stipulation filed by Kaiser Foundation Health Plan Inc, Set/Reset Deadlines as to <a href="#">14</a> Stipulation. Opening Briefs sfiled on 2/22/08; Motion Hearing set for 3/28/2008 10:00 AM in Courtroom 8, 19th Floor, San Francisco.. Signed by Judge Charles R. Breyer on 1/08/08. (be, COURT STAFF) (Filed on 1/9/2008) (Entered: 01/09/2008)
01/28/2008	<a href="#"></a>	Set/Reset Hearings: Mediation Hearing set for 2/8/2008 at 01:00 PM at the Federal Building, 450 Golden Gate Avenue, San Francisco, CA. Please come to ADR Reception on the 16th Floor to be directed to the exact location of the session. (cmf, COURT STAFF) (Filed on 1/28/2008) (Entered: 01/28/2008)
02/19/2008	<a href="#"> 16</a>	NOTICE of Change of Address by Charles J. Fleishman (Fleishman, Charles) (Filed on 2/19/2008) (Entered: 02/19/2008)
02/20/2008	<a href="#"> 17</a>	NOTICE of Change In Counsel by Rebecca A. Hull (Hull, Rebecca) (Filed on 2/20/2008) (Entered: 02/20/2008)
02/20/2008	<a href="#"> 18</a>	First MOTION for Summary Judgment filed by Marie Chellino. Motion Hearing set for 3/28/2008 10:00 AM in Courtroom 8, 19th Floor, San Francisco. (Attachments: # <a href="#">1</a> Exhibit Manual Filing Notification re Exhibit 1585)(Fleishman, Charles) (Filed on 2/20/2008) (Entered: 02/20/2008)
02/20/2008	<a href="#"></a>	(Court only) *** Attorney Michael Neil Westheimer terminated. (mcl, COURT STAFF) (Entered: 02/21/2008)
02/22/2008	<a href="#"> 19</a>	Declaration of Richard Collins <i>In Support of Defendants' Motion for Summary Judgment</i> filed by Kaiser Foundation Health Plan Inc. (Hull, Rebecca) (Filed on 2/22/2008) (Entered: 02/22/2008)
02/22/2008	<a href="#"> 20</a>	NOTICE by Kaiser Foundation Health Plan Inc re <a href="#">19</a> Declaration in Support of <i>MSJ (Manual Filing)</i> (Hull, Rebecca) (Filed on 2/22/2008) (Entered: 02/22/2008)
02/22/2008	<a href="#"> 21</a>	First MOTION for Summary Judgment filed by Kaiser Foundation

		Health Plan Inc. Motion Hearing set for 3/28/2008 10:00 AM in Courtroom 8, 19th Floor, San Francisco. (Hull, Rebecca) (Filed on 2/22/2008) (Entered: 02/22/2008)
02/22/2008	 <a href="#">23</a>	EXHIBIT 1585 re <a href="#">18</a> Motion for Summary Judgment filed by Marie Chellino. (Related document(s) <a href="#">18</a> ) (mcl, COURT STAFF) (Filed on 2/22/2008) (Entered: 02/26/2008)
02/23/2008	 <a href="#">22</a>	AFFIDAVIT in Support re <a href="#">18</a> First MOTION for Summary Judgment filed by Marie Chellino. (Fleishman, Charles) (Filed on 2/23/2008) (Entered: 02/23/2008)
02/28/2008	 <a href="#">24</a>	EXHIBITS re <a href="#">19</a> Declaration in Support filed by Kaiser Foundation Health Plan Inc. (Related document(s) <a href="#">19</a> ) (mcl, COURT STAFF) (Filed on 2/28/2008) (Entered: 02/28/2008)
03/06/2008	 <a href="#">25</a>	Memorandum in Opposition re <a href="#">21</a> First MOTION for Summary Judgment filed by Marie Chellino. (Fleishman, Charles) (Filed on 3/6/2008) (Entered: 03/06/2008)
03/07/2008	 <a href="#">26</a>	Memorandum in Opposition re <a href="#">18</a> First MOTION for Summary Judgment filed by Kaiser Foundation Health Plan Inc. (Attachments: # <a href="#">1</a> Exhibit Exhibit A)(Hull, Rebecca) (Filed on 3/7/2008) (Entered: 03/07/2008)
03/12/2008	 <a href="#">27</a>	CERTIFICATION OF MEDIATION Session by Mediator, C. Mark Humbert; Mediation session held 2/8/2008; Case did not settle; Mediation process is complete. (cmf, COURT STAFF) (Filed on 3/12/2008) (Entered: 03/12/2008)
03/12/2008		(Court only) *** Mediator C. Mark Humbert terminated., ***Set/Clear Flags - Mediation process terminated. (cmf, COURT STAFF) (Filed on 3/12/2008) (Entered: 03/12/2008)
03/14/2008	 <a href="#">28</a>	Reply to Opposition re <a href="#">18</a> First MOTION for Summary Judgment filed by Marie Chellino. (Fleishman, Charles) (Filed on 3/14/2008) (Entered: 03/14/2008)
03/14/2008	 <a href="#">29</a>	Reply Memorandum <i>Of Points and Authorities in Support of</i> <a href="#">21</a> Motion for Summary Judgment filed by Kaiser Foundation Health Plan Inc. (Hull, Rebecca) (Filed on 3/14/2008) Modified on 3/17/2008 (mcl, COURT STAFF). (Entered: 03/14/2008)
03/26/2008	 <a href="#">30</a>	ORDER by Judge Charles R. Breyer denying <a href="#">18</a> Motion for Summary Judgment; granting <a href="#">21</a> Motion for Summary Judgment (crblc1, COURT STAFF) (Filed on 3/26/2008) (Entered: 03/26/2008)
03/26/2008	 <a href="#">31</a>	JUDGMENT. Signed by Judge Breyer on 03/26/2008. (crblc2, COURT STAFF) (Filed on 3/26/2008) (Entered: 03/26/2008)
03/26/2008		(Court only) ***Civil Case Terminated. (crblc2, COURT STAFF) (Filed on 3/26/2008) (Entered: 03/26/2008)
03/28/2008	 <a href="#">32</a>	Minute Entry: Motion Hearing on P's Motion for Summary Judgment

		held on 3/28/2008 before Charles R. Breyer (Date Filed: 3/28/2008). The Court informed Mr. Fleishmann that an order was previously entered denying the motion. (Court Reporter Katherine Powell.) (fj, COURT STAFF) (Date Filed: 3/28/2008) (Entered: 03/28/2008)
04/04/2008	 <a href="#">33</a>	NOTICE OF APPEAL as to <a href="#">31</a> Judgment by Marie Chellino. Filing fee \$ 455, receipt number 34611017837. (mcl, COURT STAFF) (Filed on 4/4/2008) (Entered: 04/07/2008)
04/04/2008	 <a href="#">34</a>	REPRESENTATION STATEMENT by Marie Chellino. (mcl, COURT STAFF) (Filed on 4/4/2008) (Entered: 04/07/2008)
04/04/2008		Received Civil Appeals Docketing Statement by Marie Chellino. (mcl, COURT STAFF) (Entered: 04/07/2008)
04/07/2008	 <a href="#">35</a>	Transmission of Notice of Appeal and Docket Sheet to US Court of Appeals re <a href="#">33</a> Notice of Appeal. (mcl, COURT STAFF) (Additional attachment(s) added on 4/7/2008: # <a href="#">1</a> Appeal Form) (mcl, COURT STAFF). (Entered: 04/07/2008)
04/07/2008	 <a href="#">36</a>	Copy of Notice of Appeal and Docket sheet mailed to all counsel. (mcl, COURT STAFF) (Entered: 04/07/2008)